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MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH:

KEVIN G. STRICKLIN
Acting Administrator for
Metal and Nonmetal Mine Safety and Health

FROM:

THOMAS W. CHARBONEAU
Director, Office of Assessments,

SUBJECT:

Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Metal and Nonmetal Rocky Mountain District
Rapid City, South Dakota Field Office,

Introduction

This memorandum summarizes the Office of Accountability's review of the subject District Office, Field Office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Office Reviews (ORs) and MSHA supervisory and managerial oversight. The accountability review also involved evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently; and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted a review of Metal and Nonmetal's Rocky Mountain District and the Rapid City, South Dakota Field Office in accordance with the annual accountability review plan schedule. The onsite portion of the review was conducted from [REDACTED] [REDACTED]. The review focused on inspection activities during FY 2016 and the first half of FY 2017, and included review of supervisory oversight activities. The review concentrated on the Regular Safety and Health Inspection (E01), Event No. [REDACTED] conducted by the Rapid City, South Dakota Field Office of the [REDACTED] ID No. [REDACTED]. The [REDACTED] was selected because it is a large surface operation.

Mine Visit [REDACTED]

The Review Team accompanied the Assistant District Manager, Field Office Supervisor and two Inspectors to the mine on [REDACTED] as part of a Regular Safety and Health Inspection (E01). During the visit, the Review Team evaluated general conditions at the mine; assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and observed work practices at the mine site.

The mine is a surface [REDACTED] operation located in [REDACTED]. The mine employs approximately [REDACTED] miners working two, ten-hour production shifts per day, five days per week. [REDACTED] is mined by drilling and blasting and is loaded into haul trucks and transported to the primary crusher on the property. The crushed material is then transported via conveyor belt to sizing screens and further processed for commerce.

The mine visit included inspections and observations of the following:

Surface

- pre-Inspection conference;
- mine office;
- examination records;
- work practices;
- open pit;
- mining cycle to include blast preparation, loading and haulage;
- primary crusher area and conveyor belts;
- haulroads and berms;
- dump site;
- eight 100 Ton rear dump haul trucks;
- two front-end loaders; and
- one dozer.

No violations actions were observed during the mine visit.

Review Results

Positive Findings:

This accountability review revealed positive findings in several areas, including the following:

1. The E01 inspection report, notes and documentation were organized, clear and concise, and included pictures of violations.
2. This accountability review did not identify any issues that required a corrective action plan.

This accountability review did not identify any issues that required a corrective action plan. (See Attachment A for Office of Accountability Checklist Items)

The Review Team identified and discussed with the District personnel inspection and procedural best practices as described in the Metal and Nonmetal General Inspection Procedures Handbook (GIPH). A general outline of discussion topics is included in an attachment to this memorandum. (See Attachment B)

As a part of the review, the OA compared enforcement levels of the mine with the Field Office, District, and national averages. The mine had a Significant and Substantial (S&S) rate of 12 percent during the first half FY 2017 compared to the Field Office S&S rate of 19 percent; a District S&S rate of 25 percent; and the national S&S rate of 23 percent. While the S&S rate for the mine was lower than the average S&S rates of the Field Office, District and nation, the enforcement levels were appropriate with existing mining conditions and work practices based on the review and observations made during the mine visit.

Attachments

A. Office of Accountability Checklist

B. Discussion Topics

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability

District **Rocky Mountain** Field Office **Rapid City, SD** Mine ID **[REDACTED]** Date **[REDACTED]**

Attachment A – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policies and procedures were properly followed.
Adequate Corrective Action Needed Comments Below

2. Determine if documentation for inspections is complete and thorough.
Adequate Corrective Action Needed Comments Below

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.
Adequate Corrective Action Needed Comments Below

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.
Adequate Corrective Action Needed Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.
Adequate Corrective Action Needed Comments Below

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below

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7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate Corrective Action Needed Comments Below

8. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate Corrective Action Needed Comments Below

9. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate Corrective Action Needed Comments Below

10. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate Corrective Action Needed Comments Below

NA - The Field Office does not have any mines in a 103(i) status.

11. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate Corrective Action Needed Comments Below

12. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate Corrective Action Needed Comments Below

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13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

14. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate Corrective Action Needed Comments Below

15. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate Corrective Action Needed Comments Below

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18. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.

[REDACTED]

19. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate Corrective Action Needed Comments Below

20. Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.

Adequate Corrective Action Needed Comments Below

21. Determine if Districts, when required, are conducting in-depth accountability reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

22. Is methane liberation information being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

No 103i mines all other mine information is updated as required.

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23. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Corrective Action Needed Comments Below

24. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate Corrective Action Needed Comments Below

25. Determine if inspectors have an understanding of when a violation of Section 103(a) for Advance Notice occurs and whether appropriate citations are issued for Advance Notice.

Adequate Corrective Action Needed Comments Below

26. Determine if the management resource tracking tool is being used to track resources regarding Special Investigations.

Adequate Corrective Action Needed Comments Below

27. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate Corrective Action Needed Comments Below

28. Determine if supervisors are rotating the mine assignments annually among inspectors assigned to their Field Office.

Adequate Corrective Action Needed Comments Below

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District Rocky Mountain Field Office Rapid City, SD Mine ID ██████████ Date ██████████

Attachment B – Discussion Topics

- **MSHA Photo Form** – The most current MSHA Form 4000-125 June 2009 (Photo mounting sheet) was not being consistently used in the E01 report reviewed by the OA Review Team. However, the Inspectors were including all the required information on the old version of the form and field notes. See GIPH, page 66 and 78, for reference.
- **Enforcement action documentation** – Gravity and Negligence were not always documented in the field notes to fully justify the level of negligence and likelihood of injury depicted on the citation. See Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 10-18.